

Amendments to the Drawings:

The attached sheet of drawing labels Fig. 11 as “PRIOR ART”. This sheet, which includes Fig. 11, replaces the original sheet including Fig. 11.

Attachment: Replacement Sheet

REMARKS

With respect to “Priority” on page 2 of the Office Action, the applicants point out that, in PCT Nationalizations, priority documents are forwarded to the US PTO by the International Bureau and that, in the present application, the Notice of Acceptance of Application mailed on August 5, 2005 by the US Patent Office indicates that the priority documents were received.

With respect to “Information Disclosure Statement,” it is respectfully requested that the references be considered or a reason stated why consideration was not given. The Information Disclosure Statement that cited the references states “Copies of the documents are not being provided, because copies are furnished directly by WIPO under an exchange program among the PTO, the EPO and the JPO. If the copies were not furnished and a copy of a cited document is desired, a copy will be supplied if the undersigned is called.”

In response to the objection to the drawings, a replacement sheet that labels Fig. 11 as “PRIOR ART” is submitted herewith.

In response to the objections to the specification, the Abstract has been rewritten to place the reference numbers in parentheses, and the errant letter ‘f’ has been removed from page 1, line 14.

By the present Amendment, “open to the atmosphere” has been deleted from claim 2. It is believed that this change overcomes the rejection under 35 USC 112.

Reconsideration of the rejection of claim 1 under 35 USC 102 as being anticipated by Uchida et al. is respectfully requested. In rejecting claim 1 under 35 USC 102 on the ground that all of its subject matter is disclosed in the Uchida et al. reference, the Examiner interprets one of the passages 1c of Uchida et al. to be the “passage of the shaft-like tool” of claim 1 and the other

passage 1c to be the “exhaust passage” of claim 1. By the present Amendment, claim 1 has been amended to recite the shaft-like tool as “having one or more passages for leading mist cutting fluid from the internal space to a front end face of the shaft-like tool”. In the illustrated embodiments, there are two such passages. Claim 1 has also been amended to recite the exhaust passage as being in addition to “said one or more passages of the shaft-like tool in communication with the space”. Furthermore, claim 1 has been amended to recite “internal space” instead of “closed space” and also to recite “the internal space being closed on the side bounded by the rear end face of the shaft-like tool except for said one or more passages of the shaft-like tool”. As can be seen from the drawings of the present application, especially Fig. 3, the internal space 12 is closed on the side bounded by the rear end face of the shaft-like tool 11 except for the one or more passages 11a of the shaft-like tool. An earlier portion of claim 1 is amended to recite that the passages are “for leading mist cutting fluid from the internal space to a front end face of the shaft-like tool”.

If one of the passages 1c of Uchida et al. is considered not to be one of the passages of the shaft-like tool in communication with the space, as the Examiner has done, then the internal space is not closed on the side bounded by the rear end face of the shaft-like tool except for said one or more passages of the shaft-like tool. This is because one of the passages 1c of Uchida et al. is considered not to be one of the passages of the shaft-like tool and yet defines an opening on the side of the internal space that is bounded by the rear end face of the shaft-like tool. Thus, even if one of the passages 1c of Uchida et al. is considered not to be one of the passages of the shaft-like tool, Uchida et al. does not meet all of the limitations of claim 1, as amended, because then the internal space is not closed on the side bounded by the rear end face of the shaft-like

tool except for said one or more passages of the shaft-like tool.

An earlier portion of claim 1 is amended to recite that the passages are “for leading mist cutting fluid from the internal space to a front end face of the shaft-like tool”.

Reconsideration of the rejection of claims 1-4 under 35 USC 103 as being obvious over the Ronen reference is respectfully requested. The Examiner interprets the gaps between the jaws 6 (Fig. 1) of Ronen to be the exhaust passage of claim 1. Ronen fails to disclose the feature of claim 1, as amended, of “the internal space being closed on the side bounded by the rear end face of the shaft-like tool except for said one or more passages of the shaft-like tool”. Since the gaps between the jaws 6 of Ronen are on the side of its internal space that is bounded by the rear end face of its shaft-like tool, that space is not closed on the side bounded by the rear end face of the shaft-like tool except for said one or more passages of the shaft-like tool, as is required by claim 1, as amended.

In rejecting claim 3 under 35 USC 103 as being obvious over the Ronen reference, the Examiner indicates the parts of Ronen that he considers to correspond to the various features of claim 3, except for the feature of “a front end part of said mist cutting fluid passages protrudes so as to form a circular space between a peripheral wall and the excavated part”. In fact, Ronen has no such structure. The Examiner states that “cutting fluid passages” of Ronen are the “area where cutting fluid C flows in bore of body 1 in figure 1”. This area has no front end part protruding so as to form a circular space between a peripheral wall and an excavated part of a tool receiving surface part, which the Examiner identifies as ‘2’. In an illustrated embodiment of the present invention, the protruding front end is indicated by the reference numeral 8f. There is nothing in the prior art to suggest that it would have been obvious to provide in Ronen mist


cutting fluid passages with a front end part that protrudes so as to form a circular space between a peripheral wall and an excavated part of a tool receiving surface part.

In view of the foregoing, it is submitted that all of the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0562.

Respectfully submitted,

Date: 6-21-06


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